

RESOLUTION NUMBER R- 304448DATE OF FINAL PASSAGE DEC 02 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO AMENDING COUNCIL POLICY 600-24 TITLED
"STANDARD OPERATING PROCEDURES AND
RESPONSIBILITIES OF RECOGNIZED COMMUNITY
PLANNING GROUPS."

WHEREAS, on May 22, 2008, the City Council approved the update to Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" per Resolution No. R-302671; and

WHEREAS, the update revised the previous Council Policy to incorporate additional operating procedures as well as provisions for compliance with California's Open Meeting Law, the Ralph M. Brown Act; and

WHEREAS, approval of the Council Policy update required each community planning group to update its bylaws; and

WHEREAS, Council Policy 600-24 specifies that bylaws will be reviewed and approved by the offices of the Mayor and City Attorney unless there are inconsistencies with the Council Policy; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that staff's recommendations be adopted with the following amendments:

- Approve the proposed Carmel Valley Community Planning Board bylaws with the requested deviations from Art. I, Sec. 3, Art. IV, Sec. 1, and Art VIII, Sec. 1(d)(2); and,
- Conditionally approve the proposed City Heights Area Planning Committee bylaws as follows:

- Approve the requested deviation from Art. II, Sec 7;
- Disapprove the requested deviations from Art. IV, Sec 3 , Art. V, Sec 1, and Art. IX, Sec 3, until these are revised, to the satisfaction of the offices of the Mayor and the City Attorney, to conform to the Council Policy; and,
- Refer the requested deviation from Art. VI, Sec. 2(a)(x) to the City Attorney to be revised to ensure compliance with the state Brown Act; and
- Conditionally approve the proposed La Jolla Community Planning Association bylaws as follows:
 - Approve the requested deviations from the prohibition against corporate bylaws, and from Art. IV, Sec. 3 and Art. VI, Sec. 2 (b); and
 - Disapprove the requested deviation from Art. VI, Sec. 2(a)(x), until it is revised, to the satisfaction of the offices of the Mayor and the City Attorney, to conform to the Council Policy; and,
- Approve the proposed Linda Vista Community Planning Committee bylaws with the requested deviation from Art. III, Sec. 1; and,
- Approve the proposed Midway Community Planning Advisory Committee bylaws with the requested deviation from Art. V, Sec. 1; and,
- Approve the proposed Mission Valley Unified Planning Organization bylaws with the requested deviation from Art. III, Sec. 1; and,
- Approve the proposed Ocean Beach Planning Board bylaws with the requested deviations from Art. II, Sec. 1, Art. II, Sec. 2, Art. V, Sec. 1, and Art. VIII, Sec. 1(d)(8); and,
- Approve the proposed Pacific Beach Community Planning Committee bylaws with the requested two deviations from Art. III, Sec. 2; and,
- Approve the proposed Rancho Bernardo Community Planning Board bylaws with the requested deviation from Art. III, Sec. 1; and,
- Approve the proposed Rancho Penasquitos Planning Board bylaws with the requested deviation from Art. I, Sec. 3; and
- Approve the proposed San Pasqual/Lake Hodges Planning Group bylaws with the requested deviation from Art. III, Sec. 3; and
- Approve the proposed Serra Mesa Planning Group bylaws with the requested deviations from Art. II, Sec. 2(a) and (b).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
11/26/08
Or.Dept:Planning
R-2009-712

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 24 2008.

ELIZABETH S. MALAND
City Clerk

By Sara Richards
Deputy City Clerk

Approved: 12-2-08
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor



Linda Vista Planning Group

***Dedicated To Improving Linda Vista
And Implementing Our Community Plan***

BYLAWS

Approved As Amended By The LVPG

September 24, 2007

April 28 & May 19, 2008

August 25, 2008

Table of Contents

Linda Vista Planning Group's Bylaws

| | | |
|---------------------|---|-----------|
| Article I | Name | 1 |
| Article II | Purpose of Community Planning Group and General Provisions | 1 |
| Article III | Community Planning Group Organizations | 3 |
| Article IV | Vacancies | 4 |
| Article V | Elections | 5 |
| Article VI | Community Planning Group and Planning Group Member Duties | 7 |
| Article VII | Planning Group Officers | 13 |
| Article VIII | Planning Group Policies and Procedures | 14 |
| Article IX | Rights and Liabilities of Recognized Community Planning Groups | 16 |
| Exhibit "A" | LVPG Boundary Map | 20 |
| Exhibit "B" | Census Tracts In LV Planning Area | 21 |
| Exhibit "C" | LVPG Standing Committees | 22 |

Revision History

| Date | Reason For Change |
|----------|---|
| 09/24/07 | <p>Updated per City of San Diego Bylaws Shell Dated 06/01/07 and official name change to the Linda Vista Planning Group. The spirit of the City's shell was followed with some additions, deletions, and repositioned words and phrases.</p> <p>Special thanks to the Ad Hoc Bylaws Committee for all their excellent work. Committee Members: Donna Erickson (Chair), Wayne Bamford (Co-Chair), Gail Cole, Doug Beckham, Kathleen Morgen, Jeff Perwin, Margarita Castro, Jo-Ann Carini, and Rob Spahitz.</p> |
| 04/28/08 | LVPG addressed list of "deviations" from Deputy City Attorney Marianne Greene. |
| 05/19/08 | LVPG sent final draft of bylaws to City Council for approval and/or amendment. |
| 08-25-08 | LVPG corrected deviations that conflicted with the Brown Act by deleting the word "knowingly" from Art III, Sec 6 and Art IX, Sec 2. |
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| | |

Linda Vista Planning Group

Bylaws

Approved As Amended By LVPG – September 24, 2007
April 28 & May 19, 2008

ARTICLE I Name

- Section 1. The official name of this organization is the *Linda Vista Planning Group*, hereafter, referred to as *LVPG*.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the *LVPG* are the boundaries of the greater Linda Vista community, as shown in **Exhibit "A."** The community planning area boundaries which are applicable to this group are defined as that City of San Diego planning area generally bounded on the south by Friars Road, on the west by Interstate 5, on the north by Tecolote Road and the bottom of Tecolote Canyon Natural Park to Mesa College Drive and further extending north to the end of Linda Vista Road at Convoy Street, and on the east by State Route 163, as indicated on the map which is on file in the offices of the City Clerk and the Planning Department of the City of San Diego.
- Section 4. Meetings of the *LVPG* shall be held within these boundaries, except when the *LVPG* does not have a meeting facility within its boundary that is accessible to all members of the public. The planning group may then meet at the nearest appropriate meeting facility.
- Section 5. The official positions and opinions of the *LVPG* shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

**Our goal is to inform, educate, and advocate
as we strive to improve the vitality of the Linda Vista community.**

- Section 1. The *LVPG* has been formed and recognized by the City Council to advise and make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation, adoption, implementation of, or amendment to, the General Plan or a land use plan (ex. Linda Vista Community Plan) when a plan relates to the *greater Linda Vista* community boundaries. The planning group also advises on other land use matters as requested by the City or other agencies.

Section 2. In reviewing individual development projects, the *LVPG* shall focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation shall be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

NOTE: Project plans must be received by the LVPG Zoning (Development Project Review) Committee no later than three weeks prior to the LVPG general meeting.

Section 3. All activities of the *LVPG* shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. The *LVPG* shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.

Section 5. Pursuant to the provisions of City Council Policy 600-5, the *LVPG*'s failure to respond to the City's request for input in a timely manner on development projects shall result in the forfeit of rights to represent the greater Linda Vista community. Input includes preparation, adoption, implementation of, or amendment to the General Plan, the Community Plan, etc. Such a determination resulting in the forfeiture of rights to represent the Community for these purposes shall be made only by the City Council.

Section 6. The *LVPG* operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7. The *LVPG* may propose amendments to these bylaws by majority vote of the elected members of the planning group. Any proposed amendments shall be

submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the City staff and the City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City Council upon recommendation of the City staff.

ARTICLE III Community Planning Group Organizations

Section 1. The *LVPG* shall consist of: 21 members elected to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the *LVPG* shall, to the extent possible, be representative of the various geographic sections of the community and of the diversified community interests.

On the *LVPG*, elected seats are filled by a geographic distribution of seats among census tracts. Each census tract shall have three representatives. See **Exhibit "B."**

It shall be the responsibility of the *LVPG* through its secretary to maintain a current roster of the planning group's members on file in the office of the Planning Department of the City of San Diego.

Planning group members shall be elected by and from eligible members of the community as defined in Article V, Section 1.

Section 3. Members of the *LVPG* shall be elected to serve for fixed terms of two years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than eight consecutive years, except as noted below.

The eight-year limit refers to total maximum consecutive years of service time.

After a one-year break in service as a planning group member, an individual who has served for eight consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may *retain some members who have already served for eight consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

- Section 4. A member of the *LVPG* must retain eligibility during the entire term of service.
- Section 5. A member of the *LVPG* found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.
- Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the *LVPG* who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

- Section 1. The *LVPG* should declare that a Board member vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year of a member from the planning group's regular meetings. This resignation or report shall be given to the election committee, with notice to the Chair.
- Section 2. Vacancies that may occur on the *LVPG* shall be filled no later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.
- LVPG* vacancies occurring between elections shall be filled with a nominee [note: strong consideration should be given previous non-elected candidates from the list mentioned in Article V, Section 3] whose name shall be presented by the Chair and/or election committee and voted upon by the members present at a regular noticed meeting. Individuals proposed for Board membership should have attended at least three of the last six meetings of the Group, and where possible reside, volunteer, or work in the same designated area as that represented by the member being replaced. The term of office for a member filling vacancies shall be for the balance of the vacated term.
- Section 3. When the *LVPG* is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group

will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. Elections of *LVPG* members shall be held annually during the regularly scheduled meeting in March.

The deadline to qualify for candidacy in the March general election shall be at the end of the February noticed regular meeting of the full planning group. A candidate forum may be advertised and held at the March meeting, before the election takes place.

To be an eligible community member, whether one wishes *to run* for the *LVPG* Board and/or *to vote*, an individual must be at least 18 years of age, and shall be affiliated with the community as :

- (1) a property owner, who is an individual identified as the sole or partial owner of record, or their designee [with a letter of authorization] of a real property (either developed or undeveloped), within the community planning area, or
- (2) a resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) a local business person, who is a local business or not-for-profit owner, operator, or designee [with a letter of authorization] at a non-residential real property address in the community planning area, or
- (4) a person who serves as a volunteer or works in the community planning area but who does not necessarily own the business or the agency for which employed or volunteers.

Additionally, in order to be a **candidate** in the March election, an eligible member of the community [see qualifications listed above] must submit an application along with documentation of eligibility. The candidate should also have attended three of the last six meetings of the *LVPG*. The application and documentation must be given to the election committee no later than at the end of the February meeting.

Once eligibility to run for a Board position is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group.

Section 2. The *LVPG* shall make a good faith effort to utilize appropriate means to publicize the planning group's eligibility requirements for candidacy, and to publicize the upcoming election.

In the election process, the planning group and the election committee shall seek a number of new candidates in excess of the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The *LVP*G Election Committee shall require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote shall clearly identify which seat a candidate is running for, how many candidates can be selected, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight consecutive years.

The *LVP*G policy related to write-in candidates is that: write-in candidates are not allowed.

Section 3. Voting shall be by secret ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

All *eligible* community members vote for any of the candidates from the various census tracts in the Linda Vista planning area. If all census tract positions are not filled, member at-large positions shall be named from the candidates who did not win in their census tract. This shall be determined by the highest number of votes garnered until all positions are filled. If the non elected candidates' vote count is tied, a second secret ballot election shall immediately take place to fill the opening. Any remaining non-elected candidates shall be placed on a list for consideration should a vacancy occur.

NOTE: In no case shall members at large and/or those serving more than 8 consecutive years exceed 25% of the *LVP*G Board membership.

Section 4. The *LVP*G's election becomes final after announcing the election results at the regular March planning group meeting. The Chair, with assistance from the election committee, is responsible for preparing, certifying and forwarding the election report to the City.

At the beginning of the April *LVP*G meeting, newly elected members shall be seated in order to fully participate in the business of the Planning Group, including the election of new officers. The out-going Chair shall conduct the meeting until all officers are elected by the new board, and then the newly elected Chair shall conduct the remainder of the meeting.

Any challenge to the election results must be filed, in writing, with the chair of the Elections Committee within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue

[See Article III, Sections 2, 3, and 4 for additional information.]

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the *LVPG* to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. (a) Meeting Procedures

It shall be the duty of each member of the *LVPG* to attend all planning group meetings. There are no excused absences. If a member is unable to attend a meeting, common courtesy dictates that the member phone or email one of the group's officers. Unless otherwise indicated by policy and procedures spelled out, herein or elsewhere by the City or the Planning Group, Robert's Rules of Order Newly Revised shall be used as the guide for conducting the business meetings of the *LVPG*.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of an agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

(ii) **PUBLIC COMMENT**- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) **ADJOURNMENTS AND CONTINUANCES** – If the LVPG does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) **CONTINUED ITEMS** - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) **CONSENT AGENDA** - For items to be considered for a "Consent Agenda" all of the following are required:

- (1) A committee of the planning group has discussed the item at a noticed committee meeting,
- (2) All interested members of the public were given an opportunity to address the committee, and
- (3) The item has not substantially changed since the committee's consideration.

The comments of the committee and those made by interested members of the public shall be reflected in the minutes of the committee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) **QUORUM AND PUBLIC ATTENDANCE** - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The *LVPG* may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time such a review will take place and provide the applicant with an opportunity to present the project.

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

The *LVPG*'s Chair participates in discussions but does not vote except to break a tie.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed members on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE – Other than a properly noticed public meeting, any attempt to develop a collective agreement among *LVPG* members as to action to be taken on an agenda item, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited.

(x) SPECIAL MEETINGS - The Chair of the *LVPG* or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall

receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the *LVP*G and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the *LVP*G must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(xiii) DISORDERLY CONDUCT - In the event that a *LVP*G meeting is willfully disrupted by a person or group of persons, the planning group may first cause removal of the individual or individuals. If this is not successful then the planning group may order the room cleared and continue the meeting of scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The individual or individuals who were not responsible for the disruption may be readmitted.

(b) Committees

The *LVP*G may establish standing and ad hoc committees when their operation contributes to more effective discussions at regular planning group meetings.

(i) STANDING COMMITTEES - Pursuant to the purpose of the *LVP*G as defined in Article II, Section 1, the planning group has numerous standing committees. For example, the Linda Vista Community Maintenance Assessment District [LVCMA] Committee is a standing committee that is overseen by the *LVP*G. The members of LVCMA Committee are voted in by the *LVP*G Board. In addition, this committee goes before the *LVP*G Board for approval when major issues come to the committee. All *LVP*G Standing Committees are identified in **Exhibit "C."**

(ii) AD HOC COMMITTEES - Ad hoc committees shall be established for a finite period of time to address a particular planning or operational matter and

to review more focused issue areas and shall be disbanded following their review.

(iii) COMMITTEE COMPOSITION – Committees shall contain one or more member[s] of the planning group.

Non-members, who are duly appointed by a planning group to serve on a committee, may be indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) RECOMMENDATIONS – Committee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) RECUSALS - Any member of the *LVP* with a direct economic interest in any project that comes before the planning group or its committees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) ABSTENTIONS – In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL/EMAIL - Requests to mail/email copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff,

applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

(iii) **MINUTES** – For each planning group meeting, a report of *LVPG* member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The *LVPG* is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) **RECORDS RETENTION** – *LVPG* records must be retained for public review. City staff shall establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of the *LVPG* and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the *LVPG* to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The *LVPG* may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning

group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

- Section 6. Each elected *LVPG* member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

- Section 1. The officers of the *LVPG* shall be elected from and by the members of the *LVPG* Board. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary, Treasurer, and may include such other officers as the group may deem necessary. The length of an officer's term shall be one year at a time, not to exceed more than eight consecutive years. After a period of one year in which that person did not serve as an officer said person shall again be eligible to serve as an officer.
- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and community-wide meetings organized by the planning group.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 4. Secretary and Treasurer.
- a) Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, minutes, and actions including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons, and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties, or the *LVPG* Board may elect more than one secretary as required.
 - b) Treasurer. The Treasurer shall be responsible for receiving monies on behalf of the *LVPG*, making deposits, writing of two-signature checks to carry

out the business of the planning group, and presenting reports at the LVPG's regular noticed meetings regarding the status of the treasury.

Section 5. CPC Representative. The Chairperson shall be the recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the Chair may be selected as the official representative to the CPC with the same voting rights and privileges as the Chair. Designation of a member other than the Chair for either representative, as well as for the planning group's alternate to the CPC shall be forwarded in writing to the staff representative to the CPC prior to extension of voting rights and member attendance.

NOTE: Usually, the Vice Chairperson shall be the alternate representative at the CPC meeting.

Section 6. The *LVPG* officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

Section 1. The *LVPG* bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through IX of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

(e) Community Participation

The LVPG invites community participation by implementing many of these listed actions:

1. Streamline the general meetings so they are interesting, informative, and still fulfill the planning group's duties.
2. Create an environment of WELCOME.
3. Advertise LVPG meetings, special speakers, activities and events with flyers, handouts, announcement, posters, agendas, etc. at the Linda Vista Library, USD, Bayside Community Center, local city, charter and private schools, Linda Vista and Kearny Mesa Recreation

Centers, and with neighborhood churches, businesses, community organizations, etc.

4. Make personal contact by telephoning/visiting with neighbors et al.
5. Reach out to our diverse ethnic population through their business and social organizations, and if possible, provide information in their native languages.
6. Mail agendas and other materials through our elected Council Representative.
7. Utilize, if allowed, the electronic marquees at the Kearny High School and Montgomery Academy.
8. Conduct an Open House Social once a year to gather input from the greater Linda Vista community.
9. Make use of the City Channel and other media sources, including the community newsletters.

(f) Planning Group Composition

The LVPG is composed of census tract representation. See Article III, Section 2 of these bylaws for further details.

(g) Conduct of Meetings

The LVPG procedures regarding conduct of planning group meetings can be found in Article VI, Section 2.

(h) Member and Planning Group Responsibilities

The LVPG's duties and responsibilities are stated throughout Article VI of these bylaws.

As far as voluntary financial contributions are concerned the treasurer 'passes the hat' as necessary to cover printing expenses, community participation items, etc.

(i) Elections

The City's Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections.

The LVPG's Election Procedures are detailed throughout Article V. Further information may be found in Article III, Sections 2, 3, and 4..

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. **Indemnification and Representation.** The *LVPG* and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters plus any other designated responsibilities or obligations as specified in these bylaws, and Policy 600-24, Article II, Section 1; their conduct was in

conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. **Brown Act Remedies.** The *LVP*G and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act or where the member intended to deprive the public of information. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. **Council Policy 600-24 Violations and Remedies.**

(a) Alleged Violations by a Member of the *LVP*G

In cases of alleged violations of the *LVP*G bylaws or Council Policy 600-24 by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

If the planning group member is found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

If a planning group member and/or a planning group is sued by another planning group member or former planning group member, the LVPG Board members shall be indemnified and represented by the City.

Investigation procedures for elected member violations are outlined below:

Any action by the LVPG to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A written complaint that a violation of bylaws or of Council Policy 600-24 has occurred will be presented to the planning group Chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The written complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The written complaint should site a specific bylaw or Council Policy 600-24 provisions of which the action is claimed to violate. If the written complaint is from someone other than another planning group member, the Chair, and other members, may assist in providing appropriate citations to assist the complainant.
- The Chair shall confer with planning group members regarding the complaint.
- The Chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation:

While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the Chair, with assistance from the planning group members, shall meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the Chair, with assistance from the planning group members, determines that no violation has actually occurred, the Chair **may** record this in the written record of the complaint.
- If the Chair, with assistance from the planning group members, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the Chair shall outline the necessary actions to achieve the remedy.

- If the Chair, with assistance from the planning group members, determines that the situation cannot be remedied and that the interests of the community and *LVP*G would best be served by the removal of the planning group member, then the Chair shall set the matter for discussion at a planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member shall be placed on the planning group's agenda as a potential action item. Supporting materials from the Chair or from the offending planning group member shall be made available to the elected planning group members 10 days prior to the meeting.
- The matter shall be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present his/her case and/or rebut documentation gathered by the Chair with the assistance of the planning group members. The member may also request a continuance of the item to gather more information to present to the planning group at the next meeting.
- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of their recognized community planning group shall not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the *LVP*G as a Whole

In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The City staff/City Council will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The *LVP*G will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

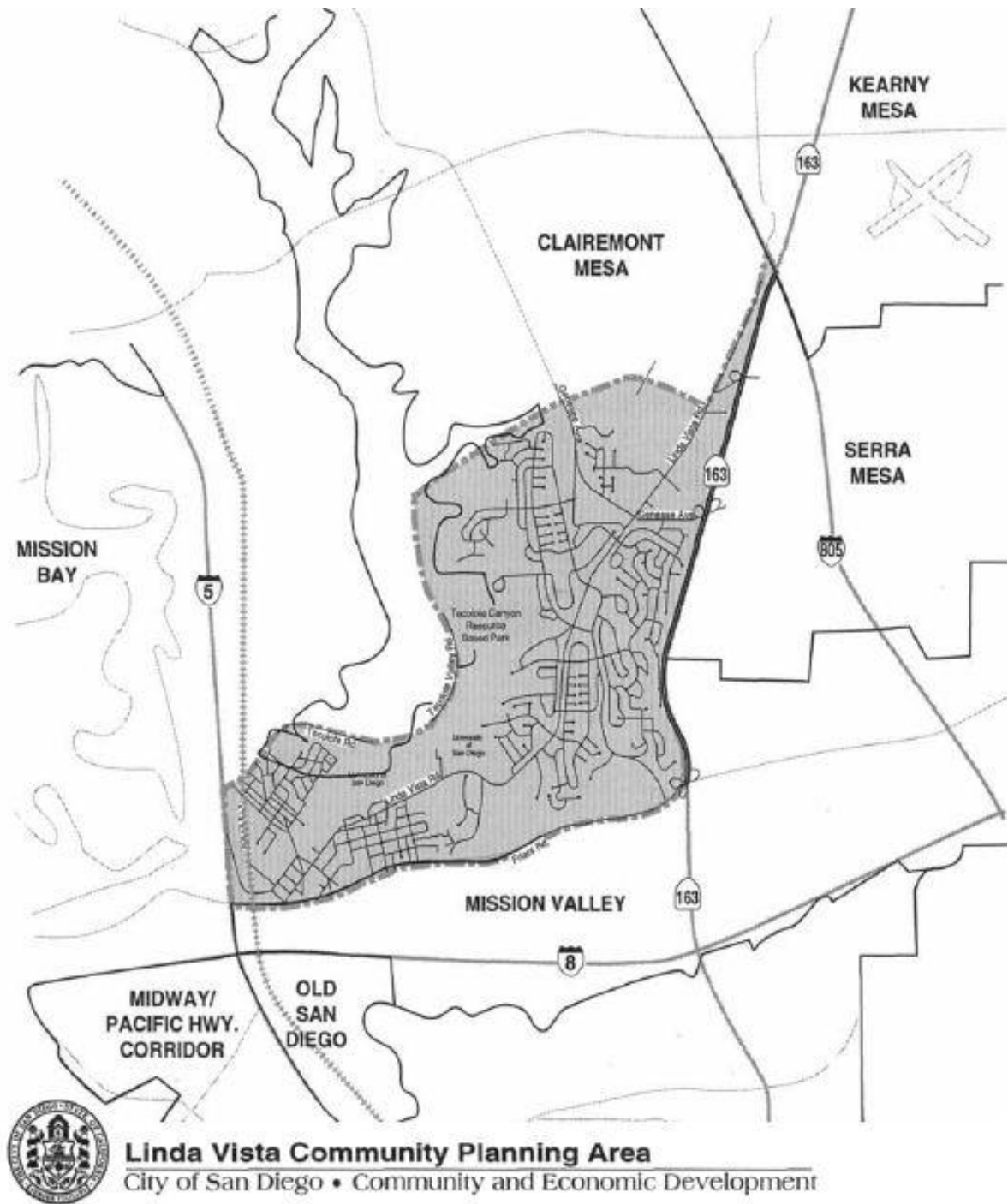
If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will

forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the City staff to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws, the Group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Prior to loss of indemnification, the planning group's Chair is to be notified immediately by registered mail and by telephone in order to assure said group a final opportunity to prevent this loss.

EXHIBIT “A”
LVPG Boundary Map



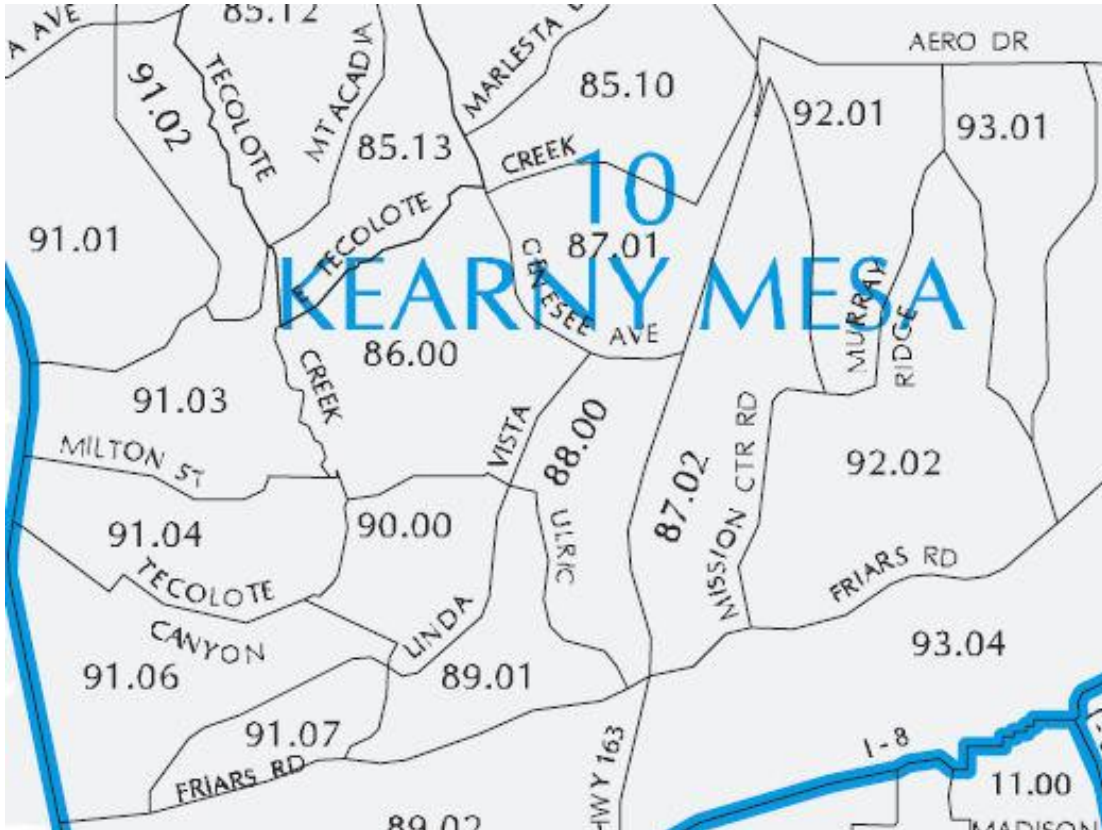
The Linda Vista planning area is generally bounded on the south by Friars Road, on the west by Interstate 5, on the north by Tecolote Road and the bottom of Tecolote Canyon Natural Park to Mesa College Drive and further extending north to the end of Linda Vista Road at Convoy Street, and on the east by State Route 163.

EXHIBIT “B”
Census Tracts Within
Linda Vista’s Planning Area

*On the Linda Vista Planning Group,
elected seats are filled by a geographic distribution
among the following seven*

CENSUS TRACTS:

86.00
87.01, 88.00
89.01, 90.00
91.06, 91.07



***The Linda Vista community, comprising approximately 2400
Acres, is located on the southwestern portion of Kearny Mesa.***

EXHIBIT “C”

LVPG Standing Committees

The following Standing Committees are part of the Linda Vista Planning Group: **Bylaws & Elections, Transportation, Zoning/Land Use [Development Project Review], Traffic, Code Compliance, and Linda Vista Community Maintenance Assessment District [LVCMAAD]**. The latter two committees include City staff guidance from the Neighborhood Code Compliance Department and Park & Recreation respectively.

Each committee is composed of one or more LVPG Board members, as well as interested individuals from the community. Code Compliance and the LVCMAAD meet monthly, while the other committees meet as needed throughout the year.

Bylaws & Elections Committee

This committee serves a dual role. The Bylaws Committee provides a paper or word document copy of the bylaws to new/old members of the planning group as needed. This committee makes the Group aware when the bylaws are not being followed, and recommends when changes would be beneficial. The duties of the Elections Committee are to seek eligible candidates, to prepare the ballots, to qualify voters, and to conduct the LVPG's elections at the March meeting or when a vacancy occurs. The committee shall maintain a list of candidates for future elections, a roster of members for the City and the LVPG secretary, and a record of past elections as well as the number of years a member has served on the Board.

Transportation Committee

The LVPG Transportation Committee follows the mass transit component of the Linda Vista Community Plan. As such, public transportation issues affecting the greater Linda Vista area are addressed by the committee which includes members who use public transit. Meetings are held as needed, although members attend MTS meetings 5-6 times a year, ride the routes that serve our community noting the quality of service provided, and interview bus riders for their input. If there are concerns, we report our findings to the LVPG Board, make recommendations, speak at the Metropolitan Transit System Board meetings, write letters, circulate petitions if necessary, etc. The goal is to insure that the current level of service is maintained or enhanced.

Zoning/Land Use Committee

The City's Development Services Department submits project plans and land use proposals to the LVPG Chairperson, who immediately forwards the materials to the Zoning/Land Use Committee Chair. The committee may visit the project site and meet to look over the documentation provided by the City which might include maps, drawings, reports, diagrams, etc. plus the sign off sheet. They assess whether the project documentation meets City requirements and conforms to the goals of the Community Plan. A recommendation is made to the LVPG Board at a regular meeting, and after the vote the results, along with the sign off

sheet is sent to the City as required. The project developer is kept informed by email and telephone and is given every opportunity to make a presentation of the project at a LVPG meeting.

Traffic Committee

The Traffic Committee focuses on the vehicular, bicycle, and pedestrian components outlined in the Linda Vista Community Plan. The committee monitors areas of traffic congestion and offers suggestions on appropriate land uses, traffic flow, etc. to alleviate the problem. Input is received and gathered in neighborhoods where traffic safety issues are a concern. Meetings are then held to discuss solutions like crosswalks, Stop signs, street lights, speed bumps, and traffic signals. Recommendations are offered to the full LVPG Board for approval which could include letters of support to City staff and the City Council.

Code Compliance Committee

To enhance the quality of life in the Linda Vista community, the Code Compliance Committee works with the City's Neighborhood Code Compliance Department to help Linda Vista's neighborhoods follow the various Municipal Code directives. Members of this committee are the eyes of the community and during their day-to-day activities jot down apparent Code violations. This information is given to the Code Compliance officer/s who attend the monthly committee meetings. The officer/s report various locations where action has been taken. Members, as well as their neighbors have an opportunity to take part in the free mini-area clean-up campaigns conducted throughout the year.

LVCMAAD Committee

The purpose of the Linda Vista Community Maintenance Assessment District [LVCMAAD] Committee is to advise the Linda Vista Planning Group [LVPG] and City staff about the community's desires regarding the landscape beautification, enhancements, improvements, and maintenance of areas within the LVCMAAD geographic boundaries. The committee also provides input to City staff when the annual budget is prepared and reports to the LVPG with a recommendation to support the proposed budget. The LVCMAAD committee monitors all contractual agreements for the District assuring that the community has the level of service it desires and that these services are provided in the most fiscally responsible fashion possible. *See Article VI, Section 2(b) for more details.*

Representative Committees

In addition, there are numerous **Representative Committees** who keep the LVPG informed about items of interest in the neighboring communities. They include the **North Bay Redevelopment District** [the LVPG actually elects this representative], **Mission Bay Park Committee**, **Tecolote Canyon Citizen's Advisory Committee**, **Linda Vista Collaborative**, **Linda Vista Historical Society**, **Linda Vista Civic Association**, **Mission Valley River Preserve**, **Linda Vista Recreation Council**, **Kearny Mesa Recreation Council** and so forth.